Item	Amount	Remarks
12 Education. (3) Primary Education—Boys' J. Pulaya Education.	Rs. 250	The sum of Rs. 140 allotted for the Education of the Depressed Classes was nearly exhausted when about 3 months' feeding of school children was paid for; an additional allotment of Rs. 250 had therefore to be urgently granted under the head.
18. Public Works. (c) Communications-Buildings, etc.	Rs. 5,893-6-4	Of the additional allotment of Rs. 5,893—6—4 the major part, viz., Rs. 4,040 is for payment towards the work of reconstructing the bridge over Perumthodu for which there was an allotment of Rs. 1,600 only in the year as against the estimated amount of Rs. 5,640. As delay in the payment of the interim bills to the contractor was affecting the progress of the work, an additional allotment had to be urgently sanctioned. Similarly additional allotments were found necessary to complete some other works as the repairs to the Narayanamangalam Bridge, Protective works to Vijayam Thodu, P. C. R. payment of deficit amount on account of the guarantee for the maintenance of Telegraph lines and Office at Cranganur, etc.

Demands for Supplementary Grants.

Demand XIII—Huzur—Travelling Allowance.

Mr. A. K. Vengu Ayyar.—Sir, I ask for leavre to move for an additional grant of Rs. 400 under "XIII—Huzur—Travelling Allowance". The allotment sanctioned in the budget under that head was Rs. 3,500. A sum of Rs. 430 was transferred from savings, available under that head. The whole amount has been exhausted. An additional sum of Rs. 400 is necessary to meet the expenses for the remaining months of the year. Savings are available under "XXXI—Miscellaneous—Political Expenditure—Entertainment of State Guests."

Mr. K. T. Mathew.—I rise to a point of order. This is not a regular motion. Has the Member taken the oath before

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he gave notice of this ? Since there has been no notice from the Member, we cannot admit this.

Mr. A. K. Vengu Ayyar.—I ask for leave in the first instance, Sir.

Deputy President.—I suspend the rule of the 3 days' notice.

Dr. A. G. Menon.—On a point of information, Sir. Was this placed before the Standing Finance Committee ?

Mr. A. K. Vengu Ayyar.—It was not.

Dr. A. G. Menon.—Then, can we go into this, and grant the same, without the scrutiny of the Standing Finance Committee ? Day before yesterday's Gazette clearly says, 'The functions of the Committee shall be (2) to examine all applications for Supplementary Grants under votable items of expenditure.' And three Members are to be elected by the non-official Members to-day. So, there was no Standing Finance Committee in existence. Even the last sentence in the rules for the formation of a Standing Finance Committee says that 'This order will be in force for the duration of the present Legislative Council.' So it must be scrutinised by a Standing Finance Committee, which will be formed only to-day, and, as such, there is no place for the Supplementary Grant to be brought before the Council.

Mr. A. K. Vengu Ayyar.—Please read it again.

Dr. A. G. Menon.—'To examine all applications for Supplementary Grants under votable items of expenditure',etc., and in the last sentence 'This order will be in force for the duration of the present Legislative Council.' So the scrutiny or examination and sanction of this is essential by the Standing Finance Committee, and since it is not placed before the said Committee, this should not be taken into consideration now.

Mr. A. K. Vengu Ayyar.—The old rules also are the same. The Committee is purely an advisory body. It was not possible to place it before the Standing Finance Committee, as there was no Committee in existence. So, this motion was brought forward before the Legislative Council. Further, the rules lay down that the functions of the Committee shall be "to examine the draft annual budget so far as the same is within the cognisance of the Council," etc. The Committee shall be a purely advisory body.

Dr. A. G. Menon.—That does not mean that the Committee has no power. It is ordained that it should be placed before the Standing Finance Committee. Else, there is no use of the Committee at all.

Mr. K. Krishna Pisharodi.—As there is no smaller

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Committee, i. e., the Standing Finance Committee, in existence at present, it is placed before a bigger Committee than that, i. e., the Legislative Council, for discussing it.

Deputy President. – In any case, the present Council has to pass it. Is it obligatory that it should be placed before the Standing Finance Committee?

Dr. A. G. Menon.—Our point is whether it was placed before a Standing Finance Committee. If you say no, then, that is not to be placed before this Council. It must be passed by the Standing Finance Committee.

Deputy President.—What is the objection for its being placed before this Council, before it is placed before the Standing Finance Committee?

Dr. A. G. Menon.—The latest Gazette lays down the functions of the Standing Finance Committee. Why not this Supplementary Grant be placed before this House on the next day after the formation of the Committee, or even after the budget meeting?

Deputy President.—The present procedure may simplify the work of this Council.

Dr. A. G. Menon.—Generally, in all simplifications, the non-official side has to suffer. Always the official side gains. This is a clear instance. It is clearly stated in the Standing Orders and the Gazette notification of the 17th of Mithunam that one of the functions of the Standing Finance Committee is to scrutinise not only the budget, but also the Supplementary Grants. And the last sentence of the notification says that these rules will be in force for 3 years—till the life of this Council. And you ask us, the present Council, to vote for it. We ask whether this was placed before the Standing Finance Committee.

Deputy President.—It does not take away the right of the Council to discuss it here.

Dr. A. G. Menon.—Since this was not placed before a Standing Finance Committee, this is out of order, and as such, it cannot come before the Council at all.

Deputy President.—I think the Council has the right to discuss it.

Dr. A. G. Menon.—Then the Council has also the right to ask whether this grant was placed before a Standing Finance Committee, before it is placed before it. That is our statutory right.

Deputy President.— It is the Council that is to decide whether this should be granted or not. A reference to the Standing Finance Committee is simply for the purpose of simplification.

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Dr. A. G. Menon.—So you want the opinion of this Council only? May I propose that matters regarding Supplementary Grants, not placed before the Standing Finance Committee, should not be placed before the Council? May I be allowed to do so?

Deputy President.—You can object to the passing of this grant. That you have every right to do.

Dr. A. G. Menon.—It never came before the Standing Finance Committee, and that gives us the right to object to this being placed before this House. I may even place it in the form of a proposition before the Council.

Deputy President.—It is the Council to decide.

Dr. A. G. Menon.—Government cannot go behind the Rules and Regulations framed by themselves. It is actually invalidating the Rules of the Council.

Mr. K. T. Mathew.—In my opinion, the Government cannot go beyond the Rules and the Regulation.

Dr. A. R. Menon.—If there are certain rules to be observed, and if Government do not observe those rules, it is tantamount to a violation of the rules, more than an observance of the rules. There must be a clause to help the Government.

Deputy President.—There may be some such matters.

Dr. A. R. Menon.—Under such conditions, the Government may do so and so. Is there any clause in the rules? So far as we know, there is none. The Standing Finance Committee has our representatives to scrutinise all Supplementary Grants. Generally, we depend upon their views. There is no chance for the Finance Committee now to scrutinise the Supplementary Grants.

Deputy President.—Will that absence of scrutiny by the Committee take away the right of the Council to discuss the matter in the Council?

Mr. C. A. Kunjunni Raja.—I should think so. There is one aspect of the case. Here there is the advantage of a clear scrutiny by a smaller Committee; that is now denied to the Council. The Supplementary Grant should come before the Council through the proper channel.

Dr. A. G. Menon.—The notice issued for the Supplementary Grants is dated 12th Mithunam. The Gazette notice, containing the rules for the formation of a Standing Finance Committee, is dated 17th Mithunam, that is, 5 days after the notice for Supplementary Grants. Such a notice would not have appeared, if the intention of the Government was otherwise.

Mr. T. K. Krishna Menon.—Sir, I wish to say a few words on this point. The Regulation, Rules and the Standing Orders do not make it compulsory that any motion for Supplementary

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Grant, before it is presented to the House, should be placed before a Standing Finance Committee. (*Hear, hear.*)

Dr. A. R. Menon.—What is your authority, please? Is it your personal opinion?

Mr. T. K. Krishna Menon.—When I say the Regulation, Rules and the Standing Orders, I think the Member can very well understand that it is not my personal opinion.

Dr. A. G. Menon.—Will you please specify the particular sections of the Regulation, Rules and the Standing Orders?

Mr. T. K. Krishna Menon.—I am sorry I have to make that statement once again. I said that the Regulation, Rules and the Standing Orders did not make it obligatory on the part of the Government that every motion, to be placed before the House, should have been placed before the Standing Finance Committee.

Dr. A. G. Menon.—This is a Supplementary Grant and not a motion.

Dr. A. R. Menon.—Will you please read the Rules of the Standing Finance Committee?

Mr. T. K. Krishna Menon.—I am coming to that. Please wait. Do not be in a hurry. There is the Standing Finance Committee appointed by the Government. It is not obligatory on the part of the Government to appoint such a Committee. But—

Dr. A. R. Menon.—How do you take it that it is not obligatory on the part of the Government?

Mr. T. K. Krishna Menon.—Because there is nothing in the Regulation, Rules and the Standing Orders which makes it so.

Dr. A. R. Menon.—There is no obligation on the part of the Government to have a Legislative Council; is there? There is nothing; no obligation at all.

Mr. T. K. Krishna Menon.—I can understand those, who are new, and have not read the Regulation, Rules and the Standing Orders, saying that it is obligatory on the part of the Government to appoint a Standing Finance Committee. But how the Member for Trichur, a veteran of the Council, can state that passes beyond my comprehension. I shall go on. The Standing Finance Committee is purely an advisory body. Government may or may not place such motions for Supplementary Grants before the Standing Finance Committee, before they are placed before the Council. That smaller Committee is constituted, so that it may have an opportunity of leisurely analysing the figures, and seeing the necessity for the expenditure. It has no right to decide. The decision must be made by the Council. But what I beg to point out is that it is not at all necessary, it

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is not a condition precedent, that every motion for a grant should have been placed before such a Committee, before it is brought before this House. This point should be taken into consideration. Your refusal to consider this motion is tantamount to this: We 45 refuse to look into it, because 7 of us have not looked into before.

Dr. A. G. Menon.—Will you kindly give us an instance that such a thing has happened ?

Mr. T. K. Krishna Menon.—What about the first budget ?

Dr. A. G. Menon.—We did not know of that. Had we known of that before, we would have brought in our objections then and there. What we have now to say is we want the opinion of the non-official Members of the Standing Finance Committee to guide us. That guide is lost now. (*Hear, hear.*)

Mr. Thomas Manjuran.—Sir, we find this provision under Rule 53:—'Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.' Now, under the heading of 'Grants' we find this provision that 'not more than 7 days shall be allotted by the Diwan for the discussion of the demands of Government for 'Grants',' etc. Now, by Rule 53, as regards Supplementary Grants, the procedure laid down is:—'Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.' In spite of the expression of opinions to the contrary, that we have just now been hearing, I really fail to find whether it is necessary that the matter should go before the Standing Finance Committee. I am only asking for information, because I do not find anything about it in the Regulation or Rules. No doubt, I do not agree with the Hon'ble Secretary to the Council that the appointment of a Finance Committee is a thing to be done at the discretion of the Government, because we find at page 53 of his valuable 'Manual', Rules for the formation of the Standing Finance Committee. There we find that 'as soon as may be, after the commencement of each official year, a Standing Finance Committee of the Legislative Council *shall* be constituted' so that, I do not agree with him there.

Mr. T. K. Krishna Menon.—An appendix to over-ride the Regulation !

Mr. Thomas Manjuran.—I do not think that it is absolutely necessary that this matter should be placed before a Standing Finance Committee in the first instance, because Rule 49, which deals with the voting of grants, does not lay down in so many words that a matter, which has not been placed before

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the Standing Finance Committee, should not be discussed before the Council. I beg to state that we shall be going beyond the language of the Rules to say that the Supplementary Grants ought to be discussed fully by the Standing Finance Committee, before it is placed before the Council.

Dr. A. G. Menon.—May I draw the attention of the Hon'ble Member to the notification of 17th Mithunam?

Mr. Thomas Manjuran.—That notification gives only the objects of the Standing Finance Committee.

Deputy President.—Is it obligatory on the part of the Government to refer to it?

Mr. Thomas Manjuran.—If there is a Standing Finance Committee functioning to-day, it may possibly have to be placed before that Committee. But, in so far as it is not imperative to place it before that Committee, when one does not exist, the procedure laid down in section 49 should be adopted. There is no legal objection for discussing it now. I do not for a moment say that these Supplementary Grants should not generally be placed before the Standing Finance Committee. Whenever there is a Standing Finance Committee available, that procedure should be adopted. There ought to have been a Finance Committee long before these things came up for discussion in the Council. In the Rules, it is said that, '*as soon as* may be after the commencement of each official year' a Standing Finance Committee shall be constituted.' Government might have waited for the formation of that Committee before introducing this measure. All the same, there is no law which prevents us from discussing it just now in the Council.

Dr. A. R. Menon.—A procedure is laid down in regard to these Supplementary Grants. There is nothing in the Rules that we should not follow that procedure. The non-existence of a Standing Finance Committee does not concern us. Is there any rule or statutory enactment specifically mentioning that, if there is no Standing Finance Committee in existence, Government can introduce such a motion in this House without placing it before the Standing Finance Committee? The mere fact that a Standing Finance Committee was not constituted, and that it was not possible to place before it this Supplementary Grant, is not our fault What I have to say is, this ought to have been brought in the next meeting only. That is the proper procedure.

Mr. V. D. Ousep.—Sir, I find one solution, if this House is not willing to discuss this matter on the ground that it was not placed before a Standing Finance Committee, it

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cannot come here for discussion. The only solution will be for us to create a Standing Finance Committee, and see that this comes to the next Council, after placing it before the Standing Finance Committee. If the Government cannot wait so long, it can order the expenditure under section 16 (9).

Mr. A. K. Vengu Ayyar.—It was to avoid that, we placed it here.

Mr. V. D. Ouseph.—Under section 16 (9), Government has power to incur the expenditure, and ask the Finance Member to place a Statement, like the one before us, in the next budget session. So that, if this House is not willing to discuss the matter now, we can get over the present difficulty by leaving the matter here, and be satisfied with the Finance Member's Statement in the next Council.

Dr. A. R. Menon.—It was a Gordion knot, and he has cut it. It is the easiest way for the Government.

Mr. A. B. Salem.—Well, Sir, I must strongly object to the placing of any Statement of expenditure, where emergencies do not exist. I do not want technicalities standing in the way of the proper functioning of the Council. Sir, you would find on page 44 of our Secretary's beautiful Manual, under section 121, that 'Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.' So that, there the procedure is clearly laid down. Rule 53 does not make any distinction between a Supplementary demand and an ordinary budget demand. If an ordinary budget demand can come before the Council only after filtering through the Standing Finance Committee of the Council, then, no Supplementary demand should also come, unless it passes through the same filter. Whether the Government will take the view of the Hon'ble Member for Irinjalakkuda or not, it is nothing to me. That is for them. They have got their own advisors. It will be like shipping coal to Newcastle.

On page 53 of the Manual, Appendix VIII says, "The functions of the Committee shall be to examine the draft annual budget and Supplementary Grants so far as the same is within the cognisance of the Council". If this matter is coming before the Council it must follow the same rule; that is, it must be examined by the same Committee. If such functions are abrogated, I strongly object to the placing of any proposition before the House, and thereby defying the rules laid down by the House, and by the authorities concerned.

Mr. C. A. Kunjunni Raja.—There seems to be some misunderstanding about the functions of the Finance Committee. For the information of the House, I shall read one or two rules

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"The functions of the Committee shall be (i) to examine the draft annual budget so far as the same is within the cognisance of the Council (ii) to examine all applications for Supplementary Grants under votable items of expenditure." "A meeting of the Committee shall be held every year in Mithunam to consider the appropriation of the State revenues for the coming year." It is, therefore, obligatory in the preparation of the budget that all the items for the appropriation of the State revenues have to be scrutinised by the Finance Committee. That rule applies also to Supplementary Grants. So, if there is no Committee, the proper procedure is that the Government need not come for any Supplementary Grant at all.

Mr. A. K. Vengu Ayyar.—For the first budget, when that was brought before the Council, there was no Finance Committee at all. Not that it was a mistake ; only no Committee functioned then. Even now, there is no Committee functioning.

Mr. C. A. Kunjunni Raja.—The Rules for the formation of the Standing Finance Committee were not then framed at all. Now we have the Rules enabling the formation of the Committee; but no Committee has yet been formed.

Dr. A. G. Menon.—The first meeting of the first Legislative Council was the first budget meeting.

Mr. T. K. Krishna Menon.—There was the inaugural meeting about three months before that.

Dr. A. G. Menon.—In the Inaugural Session, nothing was done. The new Council was confronted with the budget for the year, and the budget itself was not at all very encouraging.

Mr. Thomas Manjuran.—Sir, I think the Supplementary Grant is for the current year. The Rule read by the Hon'ble Member for Jenmies does not apply to this Grant at all.

Dr. A. G. Menon.—But we, the new Council, are to sanction it.

Mr. Thomas Manjuran.—The Hon'ble Member for the Jewish Constituency read the same Rule as the one I read. But he did not refer to the rules which necessitate the budget going before the Committee.

Mr. C. A. Kunjunni Raja.—That is the rule which I read.

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Mr. Thomas Manjuran.—I should like to be informed which is the Rule that lays down that the budget should go through the Finance Committee.

Mr. C. A. Kunjunni Raja.—Rule 49 applies to the budget for the coming year.

Mr. Thomas Manjuran.—Then we must go by Rule 49.

Mr. T. K. Krishna Menon.—I wish to point out one other instance. When there was a Standing Finance Committee functioning, on a particular occasion, the Committee could not meet for want of a quorum; still those items, which ought to have been placed before that Committee, were placed before this House, before they were considered by the Standing Finance Committee, and this House considered and passed them.

Mr. C. A. Kunjunni Raja.—Was there a point of order raised then?

Dr. A. G. Menon.—We did not know that the Finance Committee did not meet for want of a quorum. If we had known that, we would have objected.

Mr. T. K. Krishna Menon.—The information was available.

Dr. A. R. Menon.—Now we object, since we know it.

Deputy President.—Subsequently, could not that be allowed by the Council? The existence of a Committee does not debar the Council from discussing items. If an item is considered by that Committee, that would have simplified our work, that is all. It does not prevent us from deciding that matter. Have you anythiny to say with regard to that point?

Mr. K. Mohamed Seethi.—The consideration of the Supplementary Grant by the House to-day will certainly set a very bad precedent. Suppose there is the Standing Finance Committee in existence, and the Supplementary Grants are not submitted to the Committee, but are brought directly to the Council, the very same argument raised in the present case will apply to such cases also. That will be nullifying the purpose of the Standing Finance Committee. Every time there is a demand for a Supplementary Grant, the Government can bring it to the Council directly, saying that there were similar instances

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before. We are deprived of the advice of the Standing Finance Committee, if the Supplementary Grants are not placed before the Committee for scrutiny.

Mr. V. D. Ousep.—If there is no time to do that, they can spend and place a Statement.

Dr. A. R. Menon.—This will be quoted as an instance for bringing the same again. We have done it before, and, therefore, we are entitled to do it again. We have done wrong once. So we can commit it again.

Mr. A. K. Vengu Ayyar.—These items will not stand till the Budget Session or the formation of the Standing Finance Committee.

Mr. C. A. Kunjunni Raja.—Then they can come under Rule 52.

Mr. A. B. Salem.—I think there is no emergency in these matters.

Dr. A. R. Menon.—Probably the expenditure might have already been incurred.

Deputy President.—Supplementary Grants are dealt with in the Council in the same manner as budget grants. So the procedure in the Council for both is the same. Does it show that all these must go through the Finance Committee?

Mr. A. B. Salem.—The original budget cannot come into the Council without its going through the Finance Committee.

Deputy President.—The rule is 'Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants'.

Mr. A. B. Salem.—It must go through the same procedure. Whatever has to be done for a budget demand has to be done for a supplementary demand.

Mr. Thomas Manjuran.—The President may give a ruling that Supplementary Grants need not go to the Finance Committee.

Dr. A. G. Menon.—Suppose we allow such a procedure, what can be done if this year's budget is not placed before a Standing Finance Committee, but placed before the Council only?

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Mr. V. D. Ousep.—This is for the expenses of this year, I wish to know whether the Government can make a Committee, and place these items before it. We wish to know the Hon'ble Government Advocate's opinion on the matter. We have been discussing this matter for a very long time.

Mr. A. Sankara Menon.—So far as the Regulation and Rules and Standing Orders go, there is nothing there to say that the passing of the items through the Standing Finance Committee is a condition precedent to the matter being considered by this House. It has been pointed out that certain items only are being referred to the Committee. They may or may not consider them. And when the matter comes before this House, can objection be taken on the ground that they have not been considered by the Committee? Now, if Rule 53 makes it a condition precedent that such items, as have not been considered by the Standing Finance Committee, cannot be considered by this House, then, this House cannot, of course, take up the matter for its consideration. The question is whether this demand cannot be considered by this House, even though it has not been placed before the Standing Finance Committee. There is nothing in the Regulation, Rules or Standing Orders, as the Council Secretary pointed out, to show that that cannot be done. In my opinion, this House can deal with the matter now. No doubt, ordinarily, these matters will be first placed before the Standing Finance Committee, and only afterwards they will be brought before this House. Sometimes, for some extraordinary reasons as in this instance, certain items may have to be brought before this House, which ought to have been referred to the Standing Finance Committee, but have not been so referred. The objection that these items were not referred to the Committee cannot, I think, debar them from being considered by this House. The only question is, as I said, is it a condition precedent or not that there should have been a previous reference to the Standing Finance Committee. I find nothing in the Council Law to show that this is absolutely necessary.

Mr. M. K. Raman.—The question is not whether this House can take up this matter or not. The question of a condition precedent also does not arise here. As it is, this House has only very limited powers. We are bound by the Regulation and the Rules. If this matter is allowed to be considered by this House now in this form, that will be taking away one of the powers vested in us. The non-official Members to the Standing Finance Committee are elected by this Council, and their function is to scrutinise the various aspects of such ques-

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tions. By placing before this House these several demands for grants, you are taking us by surprise, and we are denied an opportunity to go into the details. We are not expected to have studied this question now. On the other hand, if these grants are dealt with by the Standing Finance Committee, which is an elected body of this Council, they would have given us all the details, and we can rely upon the information, which they give us. If this information is not available for us, I do not know how this grant can be discussed here, and of what use our discussion will be. Another preliminary objection was raised by the Hon'ble Member for Nellayi, and I do not know how that objection was over-ruled. I find from the Agenda paper that 12th Mithunam is the date put down, when this Supplementary demand is made. Evidently, on that date, the Hon'ble Secretary to the Diwan was not a Member of this Council. The President has ruled on many previous occasions that a person becomes a Member of this Council only after he takes the oath. And, therefore, I say the Supplementary Grant before the Council is not in order. I do not know how that difficulty was overcome by the Diwan Secretary. There is a provision, no doubt, by which he could put in a request to the President to exempt him from the question of notice, but I never heard any such request coming from the Hon'ble Member. My objection is that this motion for Supplementary Grants is, for both these reasons, out of order. I would, therefore, submit that it would be a very bad precedent, the taking away of the right that is vested in us. Our aim is to acquire more rights, as far as possible. This would be actually curtailing even our limited powers, and so I submit this ought not to be discussed now.

Mr. V. V. Ananthapadmanabha Ayyar.—I believe it is a question more of convenience than a question of jurisdiction. So far as has been said with respect to the Rules and Standing Orders, it does not appear that there is any Rule which prevents the placing of such a motion in this House, before it is scrutinised by the Standing Finance Committee. But the very object of the Standing Finance Committee is that every item of expenditure may be scrutinised by the Committee, and every detail may be searched, (*hear, hear,*) so that, the Committee may come to a conclusion whether the expenditure is proper or not. Now, that object is being defeated at present, and inconvenience would be the result. If this matter is put before the Council just at present, the Members will be put to much trouble, inasmuch as they will be tempted to ask questions as to the details of the expenses incurred, as to why they are incurred and in what manner, etc. But it the matter had been placed before the

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Standing Finance Committee, they would have been supplied with all the details, and this House can come to the conclusion as to whether the expenditure is proper or not; and the Council Members can properly abide by the decision of the Finance Committee, and they need not take much pains to see whether the motion is for a proper necessity or not. So I beg to submit that, even though the Rules do not prohibit such a motion being made at present, it would be advisable to have it at the next meeting, after the Standing Finance Committee has been formed.

Deputy President.—Probably the expenditure has been incurred this year, and the other budget will be for the next year.

Dr. A. G. Menon.—This same question can be brought in the month of Karkadagam. They can incur the expenditure, and place a Statement on the Table.

Mr. A. B. Salem.—Let them do what they want. We can certify. Nobody denied them anything.

Mr. M. A. Chakko.—Sir, the Standing Finance Committee, that is to be elected, is to scrutinise the budget for the next year, and the allotment, that has been asked, is for the current year. The Standing Finance Committee, which is to scrutinise this item, has ceased to exist. The question is whether the expenditure for the current year is to be scrutinised by a Standing Finance Committee, which is to be elected for scrutinising the budget expenditure of next year. Now, it is by implication that the Member for Tattamangalam said that, without the scrutinity of a Standing Finance Committee, no supplementary allotment can be placed before this Council. It is by implication only. There is no express ruling that it should not be brought up. It was by linking up of two or three Rules that it was deduced. So by implication it was shown that no supplementary allotment can be asked for in this Council, unless it has been scrutinised by a Finance Committee. Now that Standing Finance Committee does not exist. The Member for Trippunittura said that, when the Finance Committee is not functioning, it would be proper for this Council to look into, and consider budget allotments, that are brought for consideration by the Council. I, therefore, think that the difficulty is because this is an interim period, when the Finance Committee, which ought to have been functioning to scrutinise this allotment, has ceased to exist, and the other Finance Committee to scrutinise the budget of next year has not come into existence. I do not know whether it is the function of the Committee yet to be formed to scrutinise the expenditure for next year and also for the current year. It is a

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point to be considered by the Members. That point has not been threshed out by any of the Members. I wish to know what the Law Member has to say to this point.

Mr. E. Ikkanda Wariar.—Sir, before finally giving your ruling on this matter, I wish to place one point for consideration, and it is this. There is no Rule which says that the Government has power to bring forward a motion for Supplementary Grant without first placing it before the Finance Committee. In the absence of any express provision to that effect, we shall avoid all technicalities, and be guided by the true spirit of the laws. Now the effect of allowing this motion to be brought in this Council by the Government to-day will be that the Council will be deprived of its right to have it scrutinised by the Committee, and that it will have to take up the responsibility. The Government can spend money in emergencies on their responsibility. As matters now stand, the Council is forced to take up the responsibility, without being in a position to ascertain the details, by voting for this demand. If we view the matter in the true spirit of the Rules, I think that this matter should not be taken up for consideration to-day.

Deputy President.—You can ask for details, if you want.

Dr. A. R. Menon.—As a matter of fact, you cannot take up any other business to-day. We have no other items of business. As has been pointed out by the Hon'ble Member for Narakkal, because the late Finance Committee was to look after the expenditure up to the end of Karkadagam, and since it has ceased to exist, and a new Committee has not come into existence, all I can suggest is that we should keep up the continuity of the laws of the old Legislative Council.

Deputy President.—Under what provision of the Rules was this Committee appointed?

Dr. A. R. Menon.—A point was raised here, and we appealed to the Law Member to enlighten us on that point, and he said that there is no law. The function of the Committee shall be to examine all applications for Supplementary Grants under votable items of expenditure. That is the point. Therefore, since you have no Committee, you cannot put a grant before the House. Let us wait for the Committee to be elected. Then we will consider this question.

Deputy President.—I want to know under what provision of the Regulation or Rules?

Dr. A. R. Menon.—Page 53 of the Council Manual.

Mr. K. P. Kannan Nayar.—May I know under which Rule or Regulation is the Standing Finance Committee formed?

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There is no question that the Council has absolute power when once the demand is made before it. Again, the question would be whether the Council should discuss the matter at all. Now, if this Supplementary Grant is not to be placed before the Standing Finance Committee, as the Hon'ble Member for Narakkal stated, any matter can be easily got over by the Government, without referring the same to the Standing Finance Committee to be formed to-day, if it has only to look into the next year's budget. It cannot be said that the new Finance Committee's functions will relate only to the next year's budget, and not to any Supplementary Grants for this year. The Rules do not warrant such a narrow construction. If this is the correct view of the functions of the new Finance Committee to be formed to-day, then an honest and close examination by the said Standing Finance Committee on this grant will be denied to us, if this matter is directly taken to the Council itself by the Government. If there is no extraordinary hurry so far as this matter is concerned, why cannot the same come before the next session? Otherwise, it will be a bad precedent. To-morrow it may be said that there is no obligation to place the budget itself before the Standing Finance Committee, and even though the budget is not placed before the Standing Finance Committee, the Council has to discuss it. Under section 47, the budget shall be dealt with by the Council in two stages—a general discussion, and the voting of demands for grants. The Council cannot say we are not going to discuss it. It is obligatory upon the Council to discuss the budget. But then, there is another thing; for the facility of understanding matters easily, there is a Standing Finance Committee; there is the expert opinion of the Committee as to the details of each and every grant that the Government wants. Why should the Council be deprived of the advantage of the matter going before the Standing Finance Committee? If the Member thinks that there is no extraordinary hurry, why not the matter gracefully come at the next session?

Dr. A. G. Menon.—There are other powers left to the Government for incurring any expenditure.

Mr. K P. Kannan Nayar.—What I would say is, if there is no hurry, gracefully withdraw this motion, and have it at the next meeting.

Deputy President.—The question is not one of finance, but as to whether the Government is bound to take it to the Standing Finance Committee.

Mr. K. P. Kannan Nayar.—That is why I submit, so far as that matter is concerned, suppose it is not placed before the

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Standing Finance Committee, and it comes before the Budget Session, can the Council say, we refuse to discuss it in Council, because it has not been placed before the Standing Finance Committee? The Council cannot say that. The Council has to discuss that. What then is the function of the Standing Finance Committee? There is no use of the Standing Finance Committee, if these grants are not to be placed before it. This time it may be only a Supplementary Grant; another time it may be the budget itself. There is the question of principle involved in it. Rules may allow the discussion of these things. This is a matter of principle. It would be proper to place the matter before the Standing Finance Committee to be formed to-day, and the matter can be discussed at the next meeting. If the Government cannot wait till then, as the Hon'ble Member for Irinjalakkuda said, there is only the Statement to be placed after meeting the expenditure.

Deputy President.—Is there any objection to discuss the matter now and here?

Mr. K. P. Kannan Nayar.—I do not think the Council is precluded from discussing this matter. The Council has absolute power to discuss this matter now and here.

Dr. A. R. Menon.—We do not tolerate this procedure.

Mr. C. J. Mathew.—That there is nothing in the Rules against such a procedure should not be made an excuse at all to adopt it, when you understand that most of the Members of this House are unanimously of opinion that this matter ought not to be discussed now. We are being deprived of one of our rights, seeing that we are not allowed to minutely scrutinise each and every item of the grants. It is really depriving us of a privilege.

Deputy President.—You can ask for particulars, if you want. If you are not satisfied—

Mr. C. J. Mathew.—We cannot be furnished with all the necessary information now in time. While the Standing Finance Committee, when it goes through each and every item minutely, it will be able to understand better and intimate their information to us, before we begin to discuss the matter here.

Deputy President.—You may reject them. I am bound to pass a ruling on this point. The Council can go into the question. That is my ruling.

Mr. C. J. Mathew.—The Council can go into the question. What I beg to submit is the Council should not go, seeing that, in so doing, it is depriving us of a privilege. I suggest another method. If it is impossible to take these grants over to the Budget Session, we shall have another session before the Budget

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Session rather than have this sort of thing. If it is possible to take it over to the Budget Session, it is all right.

Deputy President.—As a matter of fact, I agree with you. But the point is whether the Council could not discuss this matter, before it has gone before the Standing Finance Committee. I do not think that is correct. If you are not satisfied with the grant, you are not to vote; that is all.

Dr. A. R. Menon.—I propose to move that this question need not be discussed by the Council to-day.

Dr. A. G. Menon.—It is in the form of a resolution, and, as such, it requires notice. If we were Members, we would have given notice of it long ago.

Deputy President.—I allow him to move that.

Mr. C. A. Kunjunni Raja.—The motion of the Hon'ble Member for Trichur violates Rule 24. 'An amendment may not be moved which has clearly a negative effect.'

Mr. A. B. Salem.—Has anybody applied for the Rule to be suspended?

Deputy President.—Now, that is not the point of order before us. The point is does the absence of a reference to the Standing Finance Committee take away the right of the Members to discuss this matter in the Council.

Dr. A. G. Menon.—In the absence of it, it should not be taken into consideration in this House.

Deputy President.—That was the question.

Dr. A. G. Menon.—Sir, I should like to move a resolution to that effect, that is, since this matter has not been scrutinised by the Standing Finance Committee, it should not come before this House at all.

Deputy President.—It need not come.

Dr. A. G. Menon.—That is all what I want.

Deputy President.—No doubt, it is desirable. But I allow the motion for Supplementary Grant to be moved in Council. I have given my ruling.

Mr. A. K. Vengu Ayyar.—I beg to move for an additional allotment of Rs. 400 under "XIII-Huzur-Travelling Allowance",

Dr. A. G. Menon.—It should not come before us. May I know what is the ruling? I want a ruling.

Deputy President.—There is no objection, I say, for making the motion for a Supplementary Grant without going into the Standing Finance Committee.

Mr. K. J. Antony.—That ruling is with regard to the objection of the Member for Trichur. The objection of the Hon'ble Member for Ezhuvas is that this motion cannot be brought before the Council before giving proper notice.

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Mr. A. K. Vengu Ayyar.—I asked in the first instance for leave to move, and the leave was given. Now I move.

Mr. K. J. Antony.—When the motion was before the Council, he was not a Member of the Council. With regard to that objection of the Hon'ble Member for Ezhuvas, a ruling may be made.

Deputy President.—That is only with regard to notice. He moves only now, after he has taken the oath. He can move to suspend the Rule, after he became the Member, and the notice comes only then.

Mr. M. K. Raman.—The point of order that I raised, Sir, is that this Supplementary Grant comes before us without proper notice. The Hon'ble Member has taken objection, as this Supplementary Grant comes before us only now.

Deputy President.—The application for leave comes only to-day.

Mr. M. K. Raman.—You have said that it is the application to suspend the Rule. I want to point out that several Members wanted to move cut motions on this, but were not allowed to do so.

Deputy President.—I shall allow you to move any number of cut motions. No one disallowed any.

Mr. K. T. Mathew.—It is an irregular procedure, as this was placed on the Table as an item to be discussed to-day. And the Secretary to the Diwan took the oath only to-day.

Deputy President.—The Secretary to the Diwan has taken the oath, and it comes now only.

Mr. K. T. Mathew.—No doubt, the motion is here in the Agenda. And 'Voting of Demands for Supplementary Grants' and so many items are given. This item should not have found a place in the Agenda.

Deputy President.—The motion for the suspension of notice is asked now.

Mr. K. T. Mathew.—That is another mistake. Without getting proper notice, they were printed and circulated among the Members.

Deputy President.—Suppose there was no such notice; what is the difficulty?

Mr. K. T. Mathew.—My question is why they were included in the Agenda, and why such Agenda was printed, and circulated among the Members. My first question is why it was included in the Agenda paper.

Mr. V. D. Ouseph.—It may be by mistake.

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Deputy President.—Why not he ask for the suspension of that Rule?

Mr. K. T. Mathew.—My question is why was it included in the Agenda without notice. The Agenda itself is not in order.

Deputy President.—I do not know whether we can go behind the Agenda paper.

Mr. K. J. Antony.—I wish to move a resolution that the 7 days' notice be suspended, and that the Supplementary Grant be allowed to be brought into the Council. I request I may be given permission to move a resolution to that effect.

Mr. C. A. Kunjunni Raja.—Under Standing Order No. 26, I move that item 3 in the Agenda be adjourned.

Dr. A. R. Menon.—I beg to second it.

Mr. A. K. Vengu Ayyar.—The items of expenditure are urgent, and cannot wait till the ensuing Budget Session. If the Council is not prepared to take it up, we will have to place a Statement of expenditure under Rule 52. We did not want to go behind the Council Rules. That was why we placed it before the Council now.

Mr. A. B. Salem.—May I know whether the expenditure has already been incurred?

Mr. A K. Vengu Ayyar.—Not that I know of.

Deputy President.—Have you anything to say for the passing of that motion? Anybody against? It should be opposed. Then only it can be put to votes.

Mr. A. K. Vengu Ayyar.—I oppose it.

Dr. A. G. Menon.—There is a closure motion before the House. Under the Rules, no discussion is allowed at this stage.

Mr. V. D. Ouseph.—That is not allowed.

Deputy President.—There is a proposition before the House under Standing Order No. 26. I do not think it contemplates any discussion. You have only to vote for it.

Mr. S. S. Koder.—All discussion is closed; you have only to take votes.

'Question put——'That the item No. 3 in the Agenda paper, Voting of Demands for Supplementary Grants, be adjourned'.

(The questton was put and agreed to.)

Mr. C. A. Kunjunni Raja.—A poll, Sir.

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The House divided: Ayes 23, Noes 11 and Neutrals 8.

Ayes.

1	Mr.	I. E. Ambooken.	13	Mr.	C. A. Kunjunni Raja.
2	,,	V. V. Ananthapadmanabha Ayyar.	14	,,	C. V. Kurian.
3	,,	K. J. Antony.	15	,,	C. J. Mathew.
4	,,	K. Ayyappan.	16	,,	K. T. Mathew.
5	Mr.	A. Eachara Menon.	17	Mr.	K. Mohamed Seethi.
6	Dr.	A. G. Menon.	18	,,	Ouseph P. Kundukulam.
7	Mr.	E. Ikkanda Wariar.	19	Mrs.	G. Pavitran.
8	,,	K. P. Kannan Nayar.	20	Mr.	T. A. Ramachandra Ayyar.
9	,,	P. Krishna Menon.	21	,,	M. K. Raman.
10	,,	T. Krishnan Nayar.	22	Dr.	A. R. Menon.
11	,,	P. Kumaran Ezuthachan.	23	Mr.	A. B. Salem.
12	,,	A. K. Kunju Moitheen.			

Noes.

1	Mr.	P. C. Chanchen.	7	Mr.	A. Sankara Menon.
2	,,	K. Govinda Menon.	8	,,	Sheik Abdul Qadir Sahib Bahadur.
3	,,	T. K. Krishna Menon.	9	,,	V. B. Vaidyanatha Ayyar.
4	,,	K. Krishna Pisharodi.	10	,,	A. K. Vengu Ayyar.
5	Rao Sahib	Mr. C. Matthai.	11	Diwan Bahadur	Dr. V. Verghese.
6	Mr. I. Raman Menon				

Neutrals.

1	Mr.	A. L. Antony.	5	Mr.	S. S. Koder.
2	,,	C. Barton Wright.	6	,,	V. D. Ouseph.
3	,,	M. A. Chakko.	7	,,	Thomas Manjuran.
4	,,	A. S. Harihara Ayyar.	8	Dr.	E. A. Veigas.

(Hence the following item No. 3 in the Agenda was considered adjourned:—

"Voting of Demands for Supplementary Grants.—

(1) The Secretary to the Diwan will move for an additional allotment of Rs. 400 under "XIII—Huzur—Travelling Allowance," by transfer from "XXXI—Miscellaneous—Entertainment of State Guests."

(2) The Chief Medical and Sanitary Officer will move for the following Supplementary Grants:—

(i) XXI—Medical (2) Lunatic Asylum—Dietary charges .... Rs. 1,000

(ii) XXIII—A. Sanitation and Conservancy—Trippunittura Town Improvement. Rs. 603 15 1

(iii) XXIII—B—Improvements to markets. ... Rs. 167 5 2

(iv) Cranganur—XIV. Medical—

Cost of Medicine	.. Rs.	620	0 0
Bedding and Clothing	.... Rs.	300	0 0
Miscellaneous	.. Rs.	50	0 0

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Dr. A. G. Menon.—May I request the Hon'ble President just to extend the time by 10 minutes, so that the election of Members for the Standing Finance Committee may be conducted, and to-day's meeting brought to a close?

Deputy President.—It is now 2 p. m., time for lunch. So we shall rise now for lunch.

The House rose for lunch at 2 p. m.

The House re-assembled after lunch at 3 p. m.

Dr. A. G. Menon.—I beg to propose the names of Messrs. K. Ayyappan, Mohamed Seethi and A. B. Salem as the non-official Members to the Standing Finance Committee.

Mr. C. A. Kunjunni Raja.—I beg to second it.

Deputy President.—Any other proposition from anybody?

Members.—No, Sir.

Deputy President.—Then they shall be the non-official Members of the Standing Finance Committee.

Now I beg to announce that the next session, the Budget Session of the Council, will begin on Monday, the 15th of Karkadagam 1103, and will continue for eleven days. The last day will be devoted for non-official business.

Dr. A. G. Menon.—Entirely for non-official business?

Deputy President.—Yes : exclusively for non-official business.

Dr. A. G. Menon.—Thank you, Sir. We were shunted out in previous years. We heartily thank you, Sir.

The meeting came to a close at 3.5 p. m.

T. K. KRISHNA MENON,
Secretary to the Council.

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